CCRB INVESTIGATIVE RECOMMENDATION

Investigator:	Tear	n:	CCRB Case #:	✓ Force	✓ Discour	t. U.S.
Jennifer Smith		nd #14	201707583	✓ Abuse	_	_
JOHINICI SHIIUI		ι u #14	201/0/363	Abuse	O.L.	✓ Injury
Incident Date(s)	Loca	ation of Incident:	-	Precinct	: 18 Mo. SOI	EO SOL
Saturday, 09/09/2017 8:59 PM				103	3/9/2019	3/9/2019
Date/Time CV Reported	CV 1	Reported At:	How CV Reported	l: Date/Ti	ime Received at Co	CRB
Sat, 09/09/2017 11:14 PM	IAB		Phone	Thu, 09	9/14/2017 1:00 PM	Л
Complainant/Victim	Type	Home Add	ress			
Witness(es)		Home Add	ress			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Christophe Denicker	13661	955867	103 PCT			
2. POM Lance Walter	30215	951417	103 PCT			
3. POM Shawn Arigoni	09844	961625	103 PCT			
4. POM Sean Phillips	11911	953250	103 PCT			
5. POM Joseph Bongiorno	14612	955763	103 PCT			
6. POF Jill Ragonesi	02957	955963	103 PCT			
Witness Officer(s)	Shield No	Tax No	Cmd Name			
1. POM George Moore	08821	956946	103 PCT			
2. POM Steven Amato	17444	958244	103 PCT			
3. POM Efrain Estrada	11380	955909	103 PCT			
4. SGT John Gherardi	4028	945755	103 PCT			
5. SGT Nathan Mole	04654	911121	103 PCT			
6. CPT Kevin Chan	00000	938209	105 PCT			
Officer(s)	Allegation			Iı	nvestigator Reco	mmendation
A . POM Christophe Denicker	Force: At § 87(2) Christopher D		Queens, Police Official force against		§ 87(2)(g)	
B . POM Christophe Denicker	Discourtesy: A Christopher D		in Queens, Polic scourteously to § 87(2)(b		§ 87(2)(g)	
C . POM Shawn Arigoni	•	i used physical fo	n Queens, Police Officorce against § 87(2)(b)	cer C	§ 87(2)(g)	
D . POM Sean Phillips		physical force aga			§ 87(2)(g)	
E . POM Christophe Denicker	_	enicker restricted		thing.		
F. POM Shawn Arigoni	Force: At § 87(2) Shawn Arigon		Queens, Police Offic Santiago's breathing.	cer F	§ 87(2)(g)	
	Force: At \$87(2)					

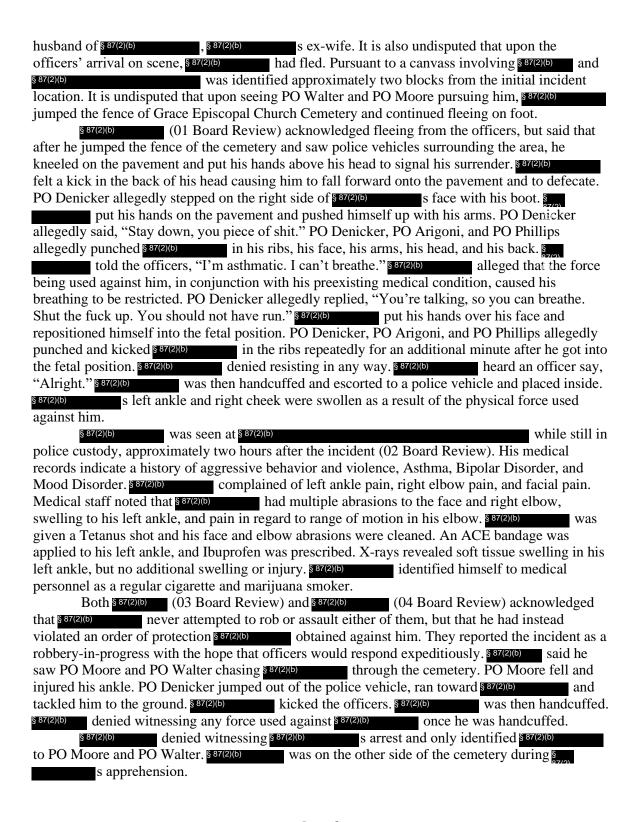
Officer(s)	Allegation	Investigator Recommendation
H. POM Joseph Bongiorno	Force: At the 103rd Precinct stationhouse, Police Officer Joseph Bongiorno used physical force against \$87(2)(b)	H. §87(2)(9)
I . POM Joseph Bongiorno	Discourtesy: At the 103rd Precinct stationhouse, Police Officer Joseph Bongiorno spoke discourteously to \$\square{8}\$.	I . § 87(2)(g)
J . POM Lance Walter	Discourtesy: At the 103rd Precinct stationhouse, Police Officer Lance Walter spoke discourteously to § 87(2)(6)	J. §87(2)(9)
K . POM Lance Walter	Abuse of Authority: At the 103rd Precinct stationhouse, Police Officer Lance Walter threatened §87(2)(b)	K. § 87(2)(9)
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
N . POM Lance Walter	Other: There is evidence suggesting Police Officer Lance Walter provided a false official statement in violation of Patrol Guide Procedure 203-08.	N . § 87(2)(9)

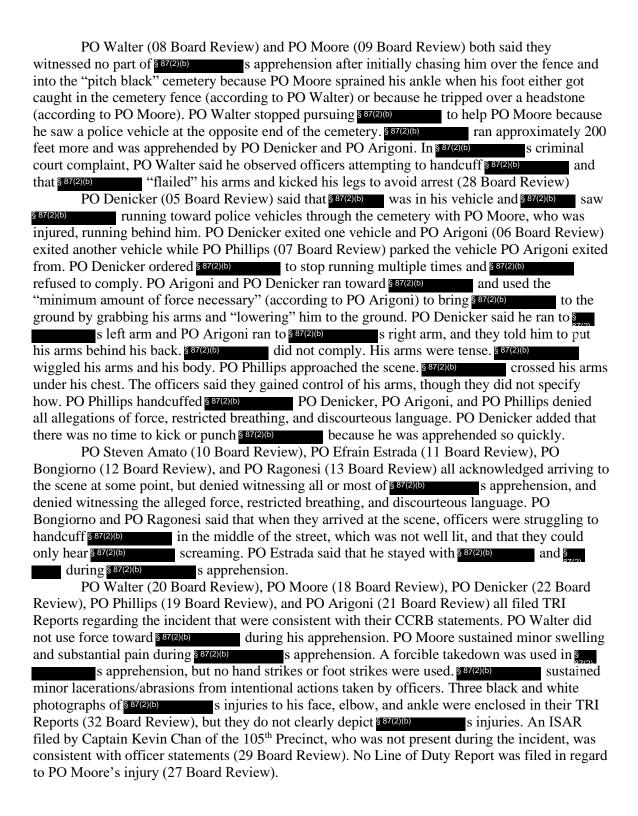
Case Summary

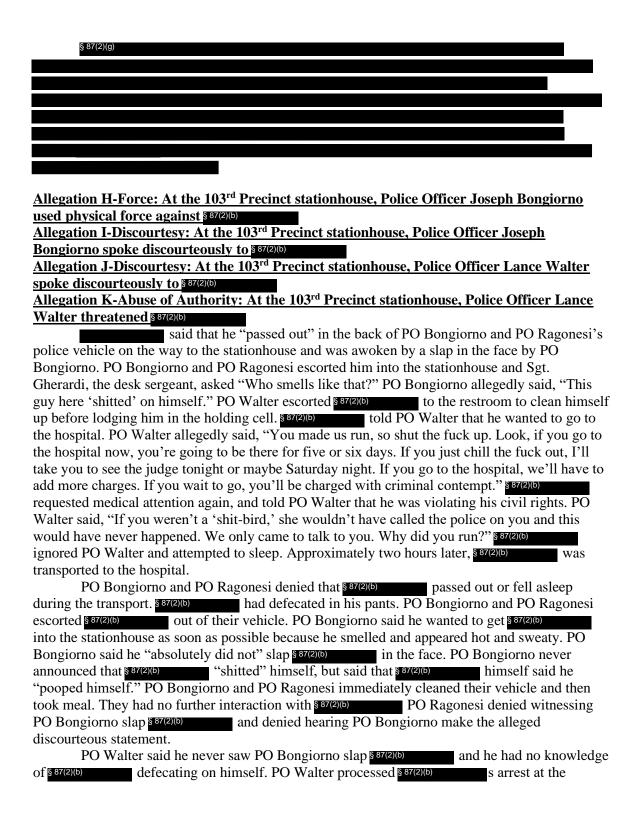
On September 9, 2017, Sergeant Nathan Mole of the 103rd Precinct called the IAB was injured while being taken into police Command Center to report that § 87(2)(b) custody. The complaint was received at the CCRB on September 14, 2017. On September 9, 2017, at approximately 8:59 p.m., Police Officer Lance Walter, Police Officer George Moore, Police Officer Christopher Denicker, Police Officer Shawn Arigoni, and Police Officer Sean Phillips of the 103rd Precinct arrested [887(2)(6)] in Queens. PO Denicker allegedly kicked § 87(2)(b) s head (Allegation A: Force, and used profanity toward him (Allegation B: Discourtesy, § 87(2)(9) PO Arigoni and PO Phillips allegedly kicked and punched 887(2)(b) (Allegations C and D:). PO Denicker, PO Arigoni, and PO Phillips allegedly restricted). At the 103rd Precinct s breathing (Allegations E, F, and G: Force, § 87(2)(9) stationhouse, PO Joseph Bongiorno of that command allegedly slapped \$87(2)(b) in the face (Allegation H: Force, § 87(2)(g) and told Sergeant John Gherardi of that command that "shitted" himself (Allegation I: Discourtesy, § 87(2)(9) (Allegation J: Discourtesy, § 87(2)(9) allegedly spoke discourteously to § 87(2)(b) and threatened him with added charges (Allegation K: Abuse of Authority, § 87(4-b), § 87(2)(g) The CCRB found evidence suggesting that PO Walter provided a false official statement when he denied witnessing § 87(2)(b) s apprehension (Allegation N: Other Misconduct). This was referred to IAB under CCRB case number 201805762 on July 17, 2018. was charged with criminal contempt in the first degree, and on § 87(2)(b) he was convicted of criminal contempt in the second degree and sentenced to one year imprisonment (16 Board Review). There is no video evidence in this case. **Findings and Recommendations** Allegation A- Force: At § 87(2)(b) in Queens, Police Officer Christopher Denicker used physical force against § 87(2)(b) Allegation B - Discourtesy: At § 87(2)(b) in Queens, Police Officer Christopher Denicker spoke discourteously to \$87(2)(b) Allegation C- Force: At § 87(2)(b) in Queens, Police Officer Shawn Arigoni used physical force against § 87(2)(b) Allegation D - Force: At § 87(2)(b) in Queens, Police Officer Sean Phillips used physical force against § 87(2)(b) Allegation E - Force: At § 87(2)(b) in Queens, Police Officer Christopher s breathing. Denicker restricted § 87(2)(b) Allegation F- Force: At § 87(2)(b) in Queens, Police Officer Shawn Arigoni restricted § 87(2)(b) s breathing. Allegation G - Force: At § 87(2)(b) in Oueens, Police Officer Sean Phillips restricted § 87(2)(b) s breathing.

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It is undisputed that PO Walter and PO Moore initially responded to a 911 call made by reporting a robbery-in-progress. The call was placed by \$87(2)(b) the current







stationhouse. §87(2)(b) requested medical attention and PO Amato later transported him to
the hospital. PO Walter never threatened § 87(2)(b) with additional charges, never told § 7(2)
to "shut the fuck up," and never called him a "shit-bird." \$87(2)(b) was upset
about his arrest and was angry that he had fallen to the ground, but PO Walter did not recall any
specific statements § 87(2)(b) made in regard.
PO Denicker, PO Phillips, and PO Arigoni denied being present at the stationhouse at the
time this aspect of the incident was alleged to have occurred.
PO Amato said he returned to the stationhouse after \$87(2)(b) s apprehension and
ultimately transported §87(2)(b) to the hospital for medical treatment, though he did not
recall any interactions between \$87(2)(b) and officers. PO Amato denied seeing PO
Bongiorno slap §87(2)(b) and denied hearing any officer use profanity toward §
PO Estrada said he drove \$87(2)(b) and \$87(2)(b) to the stationhouse after \$27(2).
s arrest to file a complaint report. §87(2)(b) was "going crazy" and screaming in
the stationhouse, but PO Estrada recalled no additional details.
Sgt. Gherardi (14 Board Review) had no recollection of this incident, though he
acknowledged that he was the desk officer at the time and said he "must" have witnessed
s interactions with officers.
§ 87(2)(g)
§ 87(4-b), § 87(2)(g)
3 - (/, 3 (- /, 3)

<u>Allegation N – Other Misconduct: There is evidence suggesting Police Officer Lance Walter provided a false official statement in violation of Patrol Guide Procedure 203-08.</u>

The CCRB found evidence suggesting that PO Walter provided a false official statement regarding this incident. A spin-off case was referred to IAB in regards, under CCRB case number 201805762. The evidence is as follows:

During PO Walter's CCRB interview on November 29, 2017, PO Walter denied witnessing or hearing any part of \$87(2)(b) and a supprehension firsthand. PO Walter's

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justification was that he was approximately 200 feet away with PO Moore, who twisted his ankle,
and it was dark out, so visibility was low. PO Walter said he was only informed of §87(2)(b)
being taken to the ground and handcuffed after the fact.
However, the Criminal Court Complaint regarding §87(2)(b) s arrest notes that PO
Walter reported observing officers attempt to place handcuffs on \$87(2)(b) and that
flailed his arms and kicked his legs to avoid being handcuffed and placed under arrest.
NYPD Patrol Guide, Procedure 203-08 states that officers are prohibited from making
false official statements, and those who are found to have made such statements will be subject to
disciplinary action (26 Board Review).
§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87(2)(b) has been a party (15 Board Review).
- PO Denicker has been a member-of-service for four years and this is the first CCRB complaint to which he has been a subject.
- PO Arigoni has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject.
- PO Phillips has been a member-of-service for six years and has been a subject in four CCRB complaints and six allegations, of which two were substantiated. PO Phillips was also cited for other misconduct.
 - o In Case #201503214, the Board determined that PO Phillips grabbed an individual by the neck for four seconds, causing the individual to lose consciousness and fall to the ground. This was captured on body-worn camera. PO Phillips made the following statements to the same individual on his BWC footage: "Shut the fuck up" and "We're here to help you, you fucking idiot." The Board substantiated allegations of force (chokehold) and discourtesy, and recommended charges. The NYPD imposed no penalty for the chokehold allegation. No penalty is listed for the discourtesy allegation. PO Phillips was also cited for other misconduct in this case for allegedly providing a false official statement regarding the use of the chokehold.
- PO Bongiorno has been a member-of-service for four years and this is the first CCRB complaint to which he has been a subject.
- PO Walter has been a member-of-service for seven years and has been a subject in four CCRB complaints and four allegations, none of which were substantiated. \$87(2)(9)

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§ 87(2)(g)			(g)
	Mediation, (Civil and Criminal Histories	
 As of May Notice of C 		r mediation. City Office of the Comptroller has no rrd to this complaint (17 Board Review	
• § 87(2)(b)			
ad No.: 14			
estigator:	G:	Deier Tide 9 None	
	Signature	Print Title & Name	Date
. d T d			
ad Leader:	Signature	Print Title & Name	Date
	-		
iewer:			
	Signature	Print Title & Name	Date